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COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTARY REPORT

DATE **FEBRUARY 2, 1993** **FILE NO.** **092-21354-0283-056**

C- ASSAULT WITH A DEADLY WEAPON ON A PEACE OFFICER (KNIFE) - 245 (C) P.C./DEPUTY INVOLVED SHOOTING/ SUSPECT DECEASED

Action Taken INACTIVE/INVESTIGATION CONDUCTED/WITNESSES INTERVIEWED/ CC #92-10773

V- **#1: GIBSON, THOMAS (DEPUTY), EMPLOYEE #[redacted], EAST L.A. STATION**
#2: GLEASON, JERRY (DEPUTY), EMPLOYEE #[redacted], EAST L.A. STATION

D- 11-24-92 (TUESDAY) AT 2050 HOURS

L- OLYMPIC BOULEVARD AND MC BRIDE AVENUE, EAST LOS ANGELES

S- **MARTINEZ, LUIS VARGAS MH/25**, DOB: 05-13-67, 5'6", 161 LBS., (DECD)
[redacted], Phone: [redacted]
CII [redacted] FBI [redacted] CDL #[redacted] SS [redacted],
[redacted], AND [redacted] MAIN #[redacted] AKA: LOUIE, LOUIS
MARTINEZ; TAT-Under Right Arm of a [redacted].

* * *

Investigators J.D. Smith and Stuart Reed were detailed to investigate the deputy involved shooting at Olympic Boulevard and McBride Avenue, East Los Angeles at 2050 hours, 11-24-92. Assigned to assist in this investigation were Investigators Michael Bumcrot, #[redacted] and Robert Snapper, #[redacted].

Investigators met East Los Angeles Unit 22A P.M. shift, **DEPUTIES MARTIN RIOS, #**[redacted] and **RAY CASILLAS, #**[redacted] who explained that they received a radio call describing a male Hispanic with a knife who was wearing a blue shirt, at 2045 hours, located at Olympic Boulevard and McBride Avenue, East Los Angeles.

East Los Angeles Unit 29, Deputies Gibson and Gleason, broadcasted via Sheriff's radio that they were at the scene of this call and were unable to locate a man with a knife. [redacted], however. Within a minute of Unit 29's broadcast, an emergency request for assistance regarding a man charging Unit 29 with a knife was broadcasted, again by Unit 29.

After hearing that several units were responding Code 3 (Emergency), Unit 29 advised by radio that shots were fired and the suspect was down. A rescue unit was also requested.

Deputies Rios and Casillas then arrived to join Deputies Gibson and Gleason. For further details of their actions and observations, refer to their report under this file number.

Investigators learned the suspect had been transported via Risher Ambulance Service to University Southern California Medical Center. He had sustained multiple gunshot wounds. He was accompanied by East Los Angeles Unit 21 PM's, Deputies R. Comoe, #[redacted] and D. Batanero, #[redacted] (refer to their report under this file number).

It was determined that Investigators Bumcrot and Snapper would process the shooting scene while Investigators Smith and Reed would interview witnesses taken to East Los Angeles Sheriff's Station.

Before departing the scene, Investigators Smith and Reed observed a parked black/white Sheriff's radio car, roof #456 parked facing east on Olympic Boulevard with its rear bumper extending into McBride Avenue at the northeast corner of the intersection. A wooden-handled butcher knife and six (6) expended 9mm cartridge casings were in the street at the proximate area of the radio car's rear bumper. Across the center line of McBride Avenue, to the west and in the southbound lane of the street, were a pair of athletic shoes, grey sweat trousers and a blue plaid shirt. Apparent blood stains were adjacent to these clothing items. Deputy Rios identified this area as being the position of the suspect when treated by County Paramedics Reyna and Khodavandi before being taken to the hospital.

Investigators monitored a **9-1-1** telephone message at East Los Angeles Station received at 2044 hours by the station desk. This message was tape-recorded and will be transcribed as part of this file. The 9-1-1 call indicated that a man under the influence of PCP had a knife at the corner of Olympic Boulevard and McBride Avenue. This call provided the basis to dispatch radio car units to that location.

Investigators interviewed [redacted], who identified herself as the [redacted] of Suspect Luis Martinez. Mrs. [redacted] had been alerted by neighbors that [redacted] had been taken to the hospital with gunshot wounds, and had come to East Los Angeles Station for information.

Mrs. [redacted] said that "Louie", as he is called, left [redacted] an hour prior to the shooting on foot. He was upset. She didn't know whether he was carrying a knife. [redacted], remained at home. She maintained that there had been no argument to explain his agitation. He used to use drugs, she said, but did not appear under the influence. He had not been drinking.

Investigators then interviewed [redacted], who was being detained at the scene at the time of the incident. [redacted] said he was with his friend "[redacted]" (sic) and they both belonged

to LPK, standing for Low Profile Kings, a group of local taggers who spray paint in their neighborhood.

[redacted] and '[redacted]' were engaged in spraying the letters LPKT on the south wall of the market at the northeast corner of Olympic Boulevard and McBride Avenue when Sheriff's deputies caught them. "[redacted] was handcuffed and placed in the rear seat of the deputies' radio car. [redacted] was standing outside on the sidewalk with the deputies when a man appeared in the intersection of the street corner. The man was shouting at them. The man was carrying a big knife which was held above his head. This man was walking directly toward him. [redacted] heard a deputy say, "What does the guy have in his hand?" [redacted] could tell that it was a knife. The deputies made [redacted] step behind the radio car. He heard the deputies telling the man to stop and to drop the knife, but the man was not listening to them.

When the man with the knife came to within five steps of [redacted], the deputies shot their guns. [redacted] saw the man go to the street on his knees, with his head and upper body erect. The knife was in the man's right hand on the ground. Then the man fell over on his side.

[redacted] said his companion, '[redacted]" escaped from the radio car, wearing handcuffs. He claimed he did not know where '[redacted]" was residing.

[redacted] **MH/14,** DOB: [redacted], [redacted], told Investigators he was a LPK member standing across the street on the south side of Olympic Boulevard when a man carrying a knife walked across the intersection toward the deputies. He said the man held the knife with its point upward as if he was going to stab them. He heard shouts to drop the knife, but the man continued walking toward the deputies. The man was yelling at the deputies but [redacted] could not understand what was said. Then the deputies shot several times and the man went down. [redacted] claimed he did not know the names of his two friends caught spray painting.

[redacted] **MH/32,** DOB: [redacted] [redacted] stated to investigators he was seated in his van which was parked facing south at the northwest corner of Olympic Boulevard and McBride Avenue. He saw a man approaching the deputies holding a knife in his right hand. The deputies took cover behind their patrol car. He heard them yell several times to stop and drop the knife. The man continued toward them with the knife held upward while yelling, "Go ahead, shoot me." He heard gunshots and saw the man go down in the street. The knife was dropped and fell in front of the man. After a few minutes, a deputy came forward and kicked the knife away. Then the ambulance

came and he was brought to East Los Angeles Station. [redacted] admitted to have been drinking prior to the incident. He also said that his brother was passed out inside the van during this time.

Interviewed next was [redacted], AKA: [redacted] MO/31, DOB: [redacted] where the juveniles had been detained for spraying LPKT on the south wall which faces Olympic Boulevard. He was conversing with the deputies who had caught two kids spraying [redacted] wall. A man was yelling in the street as he walked diagonally across the intersection from the southwest corner toward his position on the sidewalk. The deputies heard the man and shouted commands to drop the knife. Cars were swerving to avoid hitting the man. The man was yelling, "Shoot, shoot."

When the man reached a position about 10 feet from him as he stood behind the deputies, the deputies fired their guns. The man went down. One of the deputies kicked the knife away from the man.

[redacted] said he was sure the man wanted to stab them because he held the knife upward and ignored commands to drop it. He added that he and the deputies took cover behind the patrol car before the shots were fired. He could not understand most of what the man was yelling before the shooting, because of his own fear and his difficulty with the English language.

[redacted] MH/47, DOB: [redacted] told Investigators he was in the Shell Service Station at the northwest corner of the intersection when his attention was directed to the intersection by a man stopping cars as he walked northward across Olympic Boulevard. The man was yelling, "Hey, it's me... I'm the one you're looking for." The man held a big knife with the point upward in front of his body. The man was heading toward deputies standing behind their patrol car with a kid.

The deputies shouted at the man to stop and to drop the knife, but the man kept walking toward the deputies. At about 15 feet from the deputies, the man was shot and went down with the knife in his hand. Later, a deputy moved the knife away from the man's body. [redacted] could clearly hear the deputies directing the man to stop and to drop the knife before they fired.

ATTORNEY RICHARD SHINEE, Association of Los Angeles Deputy Sheriff's Counsel, conferred with both Deputy Gleason and Deputy Gibson before representing them during their respective interviews with Investigators.

DEPUTY JERRY A. GLEASON MW/[redacted], #[redacted], told Investigators he was working with Deputy Thomas Gibson in East Los Angeles Unit 29 when they heard a radio call directing Unit 22A to handle a man with a

knife at Olympic Boulevard and McBride Avenue. As they were close to that location, they drove to it, arriving before Unit 22A. There was no evidence of a man with a knife seen, however, Deputy Gleason did see two juveniles in the process of spraypainting the south wall of [redacted] on the [redacted] corner of the intersection.

Deputy Gleason and his partner [redacted] heard a male voice shouting, "Here I am, it's me you want." A man was crossing the intersection diagonally on foot, appearing to be oblivious to oncoming vehicles swerving to miss him.

He noticed that the man was carrying a butcher knife in his right hand, point upward. He yelled to Deputy Gibson that the man had a knife. Both he and Deputy Gibson drew their pistols.

Deputy Gleason shouted an order to the man (later identified as Suspect Martinez) to stop where he was and to drop the knife. Martinez continued walking toward them shouting, "Go on, shoot me."

When Martinez approached to approximately 15 feet, Deputy Gleason and Deputy Gibson retreated in order to maintain a safe distance from the advancing Martinez and to radio for assistance. Both he and Deputy Gibson continued their commands to Martinez to drop his knife.

Martinez approached holding his upraised knife to approximately 10 feet when Deputy Gleason, fearful of his life and that of juvenile arrestees, fired one round or two rounds from his issued Beretta pistol at Martinez. Deputy Gibson fired at the same time.

Deputy Gleason said Martinez slumped to his knees while holding his knife in front of his body. Martinez fell to his side after a moment, relinquishing the knife.

Deputy Gleason approached Martinez when it appeared Martinez was not retrieving the knife, then kicked the knife away from his grasp.

DEPUTY THOMAS A. GIBSON MW/[redacted], #[redacted] was next interviewed, telling Investigators the following:

He and his partner, Deputy Gleason, went to [redacted] after searching the area for a reported man with a knife at McBride Avenue and Olympic Boulevard. Seeing two juveniles vandalizing the market wall, they [redacted] His attention was directed to the south side of Olympic Boulevard by a man yelling.



The man approached, walking through cross-traffic, causing motorists to brake and swerve to avoid striking him. He was carrying something in his right hand, yelling, "Here I am, I'm the one you want." As he approached, still shouting, Deputy Gibson could see the man holding a large knife in a position of attack with the point of the blade pointed upward in front of his body.

Both Deputy Gibson and his partner drew their pistols and shouted to stop and drop his knife. They repeated their commands again. Martinez continued his advance, shouting back, "Go ahead, kill me."

Deputy Gibson said he and Deputy Gleason took a position behind their radio car, while yelling commands to Martinez who continued his advance. Gibson placed one of the juveniles behind him on the sidewalk. The other arrestee was already seated in the radio car.

When Martinez walked to within fifteen feet of the radio car, Deputy Gibson said he became fearful of his safety and that of the juveniles. He fired what he believed was five or six rounds from his pistol at Martinez. He then summoned paramedics and assistance. He saw Deputy Gleason approach Martinez and kick the knife away.

Deputy Gleason's 9mm Beretta, Model 92F, Serial #BER[redacted] was examined and found to contain fifteen live cartridges, including a chambered round.

Deputy Gibson's weapon, a 9mm Beretta, Model 92F, Serial #BER[redacted] was examined also. It contained eleven live rounds, including a chambered round.

Both weapons were examined by Scientific Services Bureau, Firearms Identification Examiner Edward Robinson. The weapons were found to conform to departmental standards and to contain departmental issued ammunition. Deputy Robinson's report will be made part of this file.

On 11-26-92, a post-mortem examination of Martinez was conducted by Deputy Medical Examiner Doctor James Dibdin. four envelopes containing projectile fragments removed by Doctor Dibdin were released to Investigator Reed who in turn submitted them to the Firearms Investigation Unit for examination (Lab Receipt #H523462).

On 12-04-92, a toxicological report was completed by the Coroner's Office, reporting that Martinez tested positive for the drug Phencyclidine (PCP).

Martinez [redacted]



[redacted]

As a result of recording error, none of the preceding interviews was audible. The tape cassettes are retained as part of this file.

The facts of this case will be submitted to the Special Investigations Unit, Los Angeles District Attorney's Office, for review.

Investigation made inactive.

BY: SERGEANT STUART REED, #[redacted]
INVESTIGATOR J. D. SMITH, #[redacted]
APPROVED: LIEUTENANT THOMAS JOHNSTON
HOMICIDE BUREAU - DETECTIVE DIVISION

UDESHI/WPII